

AMENDED IN ASSEMBLY APRIL 13, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1802**

**Introduced by Assembly Member Bock**

January 31, 2000

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An act to amend Section 43015 of, and to add Section 39668.5 to, the Health and Safety Code, ~~and to amend Section 13441 of, and to add Section 13174 to, the Water Code, relating to~~ *relating to* environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1802, as amended, Bock. Pollution: air ~~and water~~.

(1) Existing law authorizes the State Air Resources Board to, among other things, impose monitoring requirements to regulate hazardous air pollutants. ~~Other existing law designates the State Water Resources Control Board as the state water pollution control agency for all purposes stated in the Federal Water Pollution Control Act.~~

This bill would require the ~~State Air Resources Board~~ *state board*, on and after January 1, 2006, to establish an air quality monitoring station within  $\frac{1}{2}$  mile of a school or a body of water, as defined, that is located within 2 miles or less from a point source that discharges a hazardous air pollutant or dioxin. ~~The bill would also require the State Water Resources Control Board, on and after January 1, 2006, to establish a water quality monitoring station within  $\frac{1}{2}$  mile of a school or a body of water that is located within 2 miles or less from a point source that discharges a toxic pollutant or dioxin. The~~

bill would require the ~~State Air Resources Board and the State Water Resources Control Board~~ *state board* to verify that any hazardous air pollutant ~~or toxic pollutant, as appropriate,~~ that is measured within a 2-mile radius of the school or body of water does not exceed federal standards, as specified.

(2) Under existing law, any person who violates the provisions regulating vehicular air pollution control is subject to a civil penalty, except as specified, and the penalties collected for those violations are deposited in Air Pollution Control Fund in the State Treasury. Existing law provides that the money in the fund is available to the ~~State Air Resources Board~~ *state board* to carry out its duties and functions.

This bill would instead require the ~~State Air Resources Board~~ *state board*, on and after January 1, 2006, until January 1, 2010, to expend 40% of the money in the fund, upon appropriation by the Legislature, to carry out the air monitoring required by the bill.

(3) ~~Under existing law, specified funds are required to be deposited in the State Water Pollution Cleanup and Abatement Account in the State Water Quality Control Fund, including 1/2 of all moneys collected from criminal penalties and all moneys collected from civil penalties under any proceeding brought pursuant to the Porter-Cologne Water Quality Control Act. Existing law provides that the first unencumbered \$500,000 paid into the account in any fiscal year is available for expenditure by the State Water Resources Control Board for cleaning up waste or for remedying water pollution, as specified.~~

~~This bill would instead require the State Water Resources Control Board, on and after January 1, 2006, until January 1, 2010, to expend 40% of the money in the fund, upon appropriation by the Legislature, to carry out the water monitoring required by the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature declares that both the  
2 public and the private sectors of the environmental

1 community should work together to eliminate the  
2 necessity of this act.

3 SEC. 2. Section 39668.5 is added to the Health and  
4 Safety Code, to read:

5 39668.5. (a) On and after January 1, 2006, the state  
6 board shall establish an air quality monitoring station  
7 within one-half mile of any school or a body of water that  
8 is located two miles or less from a point source that  
9 discharges a hazardous air pollutant or dioxin. The  
10 monitoring station shall measure the levels of all  
11 hazardous air pollutants listed pursuant to subsection (b)  
12 of Section 112 of the federal act (42 U.S.C. Sec. 7412) and  
13 dioxin, and shall verify that any hazardous air pollutant  
14 measured within a two-mile radius from the school or  
15 body of water does not exceed the emission standard for  
16 that pollutant, as adopted by the federal Environmental  
17 Protection Agency.

18 (b) For purposes of this section, the following  
19 definitions shall apply:

20 (1) "Body of water" has the same meaning as defined  
21 in Section 117080.

22 (2) "Point source" means any discernible, confined,  
23 and discrete conveyance from which a hazardous air  
24 pollutant or dioxin is or may be discharged.

25 (3) "School" has the same meaning as defined in  
26 Section 42301.9.

27 SEC. 3. Section 43015 of the Health and Safety Code  
28 is amended to read:

29 43015. (a) The Air Pollution Control Fund is  
30 continued in existence in the State Treasury.

31 (b) Except as provided in subdivision (c), upon  
32 appropriation by the Legislature, the money in the fund  
33 shall be available to the state board to carry out its duties  
34 and functions.

35 (c) Notwithstanding subdivision (b), on and after  
36 January 1, 2006, until January 1, 2010, the state board shall  
37 expend 40 percent of the money in the fund, upon  
38 appropriation by the Legislature, to carry out Section  
39 39668.5.

1     ~~SEC. 4. Section 13174 is added to the Water Code, to~~  
2     ~~read:~~

3     ~~13174. (a) On and after January 1, 2006, the state~~  
4     ~~board shall establish a water quality monitoring station~~  
5     ~~within one-half mile of a school or a body of water that is~~  
6     ~~located within two miles or less from a point source that~~  
7     ~~discharges a toxic pollutant or dioxin. The monitoring~~  
8     ~~station shall measure the levels of all toxic pollutants~~  
9     ~~identified pursuant to subsection (a) of Section 307 of the~~  
10    ~~Federal Water Pollution Control Act (33 U.S.C. Sec. 1317)~~  
11    ~~and dioxin, and shall verify that any toxic pollutant~~  
12    ~~measured within a two-mile radius of the school or body~~  
13    ~~of water does not exceed the water quality standard for~~  
14    ~~that pollutant, as adopted by the federal Environmental~~  
15    ~~Protection Agency.~~

16    ~~(b) For purposes of this section, the following~~  
17    ~~definitions shall apply:~~

18    ~~(1) "Body of water" has the same meaning as defined~~  
19    ~~in Section 117080 of the Health and Safety Code.~~

20    ~~(2) "Point source" means any discernible, confined,~~  
21    ~~and discrete conveyance from which a toxic pollutant is~~  
22    ~~or may be discharged.~~

23    ~~(3) "School" has the same meaning as defined in~~  
24    ~~Section 42301.9 of the Health and Safety Code.~~

25    ~~SEC. 5. Section 13441 of the Water Code is amended~~  
26    ~~to read:~~

27    ~~13441. (a) There is to be paid into the account all~~  
28    ~~moneys from the following sources:~~

29    ~~(1) All moneys appropriated by the Legislature for the~~  
30    ~~account.~~

31    ~~(2) All moneys contributed to the account by any~~  
32    ~~person and accepted by the state board.~~

33    ~~(3) One-half of all moneys collected by way of criminal~~  
34    ~~penalty and all moneys collected civilly under any~~  
35    ~~proceeding brought pursuant to any provision of this~~  
36    ~~division.~~

37    ~~(4) All moneys collected by the state board for the~~  
38    ~~account under Section 13304.~~

39    ~~(b) Except as provided in subdivision (c), the first~~  
40    ~~unenumerated five hundred thousand dollars (\$500,000)~~

1 ~~paid into the account in any given fiscal year is available~~  
2 ~~without regard to fiscal years, for expenditure by the state~~  
3 ~~board in accordance with this article. The next~~  
4 ~~unencumbered five hundred thousand dollars~~  
5 ~~(\$500,000), or any portion thereof, deposited in any given~~  
6 ~~fiscal year, is available for expenditure by the state board~~  
7 ~~for the purposes of this article, subject to the provisions~~  
8 ~~set forth in Section 28 of the Budget Act of 1984 (Chapter~~  
9 ~~258 of the Statutes of 1984). The next unencumbered one~~  
10 ~~million dollars (\$1,000,000) deposited in the account in~~  
11 ~~any given fiscal year is available for expenditure by the~~  
12 ~~state board for the purposes of Section 13443. The~~  
13 ~~remaining unencumbered funds deposited in the account~~  
14 ~~in any given fiscal year is available without regard to fiscal~~  
15 ~~years to the state board for expenditure for the purposes~~  
16 ~~set forth in Section 13442.~~

17 ~~(e) Notwithstanding subdivision (b) and Sections~~  
18 ~~13442 and 13443, on and after January 1, 2006, until~~  
19 ~~January 1, 2010, the state board shall expend 40 percent~~  
20 ~~of the money deposited in the fund to implement Section~~  
21 ~~13174. The other amounts made available for the~~  
22 ~~purposes specified in subdivision (b) shall be reduced by~~  
23 ~~a pro rata amount.~~